

AN ACT

relating to the transportation of certain mental health patients.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 574.045, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The court may authorize, in the following order of priority, the transportation of a committed patient or a patient detained under Section 573.022 or 574.023 to the designated mental health facility by:

(1) a special officer for mental health assignment certified under Section 1701.404, Occupations Code ~~[a relative or other responsible person who has a proper interest in the patient's welfare and who receives no remuneration, except for actual and necessary expenses];~~

(2) the facility administrator of the designated mental health facility, unless ~~[if]~~ the administrator notifies the court that facility personnel are not available to transport the patient;

(3) a relative or other responsible person who has a proper interest in the patient's welfare and who receives no remuneration, except for actual and necessary expenses ~~[a special officer for mental health assignment certified under Section 1701.404, Occupations Code];~~

1           (4) a representative of the local mental health  
2 authority, who shall be reimbursed by the county, unless the  
3 representative notifies the court that local mental health  
4 authority personnel are not qualified to ensure the safety of the  
5 patient during transport;

6           (5) a qualified transportation service provider  
7 selected from the list established and maintained as required by  
8 Section 574.0455 by the commissioners court of the county in which  
9 the court authorizing the transportation is located; or

10          (6) ~~[(5)]~~ the sheriff or constable~~[, if no person is~~  
11 ~~available under Subdivision (1), (2), (3), or (4)].~~

12          (a-1) A person who under Subsection (a)(1), (2), or (6) is  
13 authorized by the court to transport a person to a mental health  
14 facility may contract with a qualified transportation service  
15 provider that is included on the list established and maintained as  
16 required by Section 574.0455 by the commissioners court of the  
17 county in which the court is located to provide the transportation  
18 authorized by the court.

19          SECTION 2. Subchapter D, Chapter 574, Health and Safety  
20 Code, is amended by adding Section 574.0455 to read as follows:

21          Sec. 574.0455. LIST OF QUALIFIED TRANSPORTATION SERVICE  
22 PROVIDERS. (a) The commissioners court of a county may:

23           (1) establish and maintain a list of qualified  
24 transportation service providers that a court may authorize or with  
25 whom a person may contract to transport a person to a mental health  
26 facility in accordance with Section 574.045;

27           (2) establish an application procedure for a person to

1 be included on the list, including an appropriate application fee  
2 to be deposited in the county general fund;

3 (3) contract with qualified transportation service  
4 providers on terms acceptable to the county;

5 (4) allow officers and employees of the county to  
6 utilize persons on the list on a rotating basis if the officer or  
7 employee is authorized to provide transportation under Section  
8 574.045 and chooses to utilize a qualified transportation service  
9 provider in accordance with the terms of the contract approved by  
10 the commissioners court; and

11 (5) ensure that the list is made available to any  
12 person authorized to provide transportation under Section 574.045.

13 (b) The Department of State Health Services shall prescribe  
14 uniform standards:

15 (1) that a person must meet to be listed as a qualified  
16 transportation service provider under Subsection (a); and

17 (2) prescribing requirements relating to how the  
18 transportation of a person to a mental health facility by a  
19 qualified transportation service provider is provided.

20 SECTION 3. This Act takes effect September 1, 2011.

H.B. No. 167

David Newkum

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 167 was passed by the House on May 13, 2011, by the following vote: Yeas 143, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 167 on May 27, 2011, by the following vote: Yeas 137, Nays 3, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 167 was passed by the Senate, with amendments, on May 25, 2011, by the following vote: Yeas 31, Nays 0.

Patsy Spaw

Secretary of the Senate

APPROVED:

17 JUN '11

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE

4:00 pm O'CLOCK

JUN 17 2011

John R. Edwards

Secretary of State